

APPLICANT(S): WEINBERGER, Yoav
SERIAL NO.: 10/538,737
FILED: June 14, 2005
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REMARKS

Applicant respectfully requests reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

Remarks to the Drawings

In accordance with the observations and suggestions of the Examiner in numbered paragraph 1 on page 1 of the Office Action, Figure 1 has been amended to include the legend "Prior Art". It is respectfully submitted that there is no addition of new matter.

Status of Claims

Claims 1-21 were previously cancelled. Claims 35, 49, and 50 have been canceled herein without prejudice. Claims 21, 22, 28, 32, 33 and 34 have been amended. Accordingly, Claims 21-34, 36-48, and 51 are presently pending in this case.

Applicant respectfully asserts that the amendments to the claims add no new matter.

Allowable Subject Matter

In the Office Action, the Examiner stated that claims 38-42 would be allowable if rewritten in independent form to include all the limitations of the base claim.

Applicant respectfully asserts that amending claims 38-42 in this manner has been made unnecessary as the base claim has been amended to be allowable.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 21-37 and 43-51 under 35 U.S.C. § 102(b), as being anticipated by Gottardi (US 784,786). It is respectfully submitted that the invention as recited in the amended claims is not anticipated by Gottardi and consequently the rejection should be withdrawn.

Applicant's invention as defined by the pending claims is generally directed to a firearm magazine with loading status indicator. The magazine comprises a housing for storing bullets in a stacked configuration, with an opening for receiving the bullets, a follower for supporting the bullets within the housing, movable along the housing and resiliently

pressing towards the opening, so that at any time, when there exist at least one bullet within the housing it is presented at the opening, ready to be discharged. The magazine also has an indicator comprising a prominence connected to the follower, for indicating one of two indication states, in which in one indication state the prominence protrudes outside a bottom wall of the housing and in another indication state the prominence does not protrude outside the bottom wall of the housing. One of the indication states corresponds to a state where the magazine is in a full condition, that is when it is filled with bullets up to a maximal capacity, and another indication state corresponding to a state where at least one bullet is missing with respect to the full condition.

It is respectfully submitted that the Gottardi reference alone or in combination with any other reference does not teach or describe the invention of the pending claims. On the contrary, Gottardi describes a magazine with a plurality of indicators, each indicator located adjacent the position of a single cartridge, so that it is possible to determine exactly the number of cartridges within the magazine by counting the number of protruding indicators to determine the number of cartridges present in the magazine.

Gottardi does not teach or suggest, nor it is suggested by the Examiner that Gottardi teaches or suggests an indicator comprising a "prominence connected to the follower", "for indicating one of two indication states, in which in one indication state the prominence protrudes outside a bottom wall of the housing and in another indication state the prominence does not protrude outside the bottom wall of the housing", wherein "one of the indication states corresponds to a state where the magazine is in a full condition, that is when it is filled with bullets up to a maximal capacity, and another indication state corresponding to a state where at least one bullet is missing with respect to the full condition", as claimed in amended Claim 21.

Thus, the Gottardi reference individually or collectively with any other reference does not teach or describe the invention of Applicant's pending claims. For the foregoing reasons, Claim 21 and the claims dependent therefrom are patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

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Finally, with respect to paragraph number 5 on page 3 of the Office Action, Applicant acknowledges the Examiner's citation of non-applied references. It is submitted that the claims of the present invention are patentable over this art.

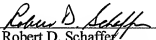
Conclusion

In view of the foregoing, Applicant submits that the pending claims clearly distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue of the present application is therefore respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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